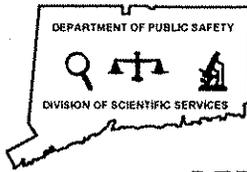


STATE OF CONNECTICUT



DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE COMMISSIONER

Leonard C. Boyle
Commissioner

Andrew R. Crumbie, Esq.
Executive Assistant

Rep. Kevin Ryan, Co-Chairman
Sen. Edith G. Prague, Co-Chairman
Labor and Public Employees Committee
Legislative Office Building
Hartford, CT 06106

March 7, 2006

**RB 5646 AN ACT CONCERNING JOB APPLICANT ACCESS TO
CRIMINAL HISTORY RECORDS CHECK RESULTS.**

*The Department of Public Safety supports this bill's intent, but questions
necessity and applicability.*

The stated purpose of this bill is to give prospective employees an opportunity to correct misinformation on reports generated as a result of criminal background checks. While there are procedures under both federal and state law for an individual to have erroneous information in a background check corrected, the procedure which this bill would attempt to create would not be allowable in many cases as a matter of federal law. To begin with, an employer may not be allowed to request a national fingerprint background check and may not be able to receive the national criminal history information from the FBI. This non-criminal justice use of criminal background checks is only available where state statutes meeting FBI guidelines have been enacted. If an employer is not entitled to request an FBI check, then the employer obviously could not disseminate the criminal history results to the prospective employee.

The State Police Bureau of Identification (SPBI) located at the Department of Public Safety, is the central repository of Criminal History Records for the State. The State Police Bureau of Identification is the only state agency authorized to process, receive and disseminate criminal history record information with the FBI, National Interstate Identification Index and the National Fingerprint File. State and Federal law and regulation requires that each request for and a response from the FBI regarding a national fingerprint criminal history record search shall be submitted, in turn, and received through the states criminal history record repository (SPBI) and then to the FBI.

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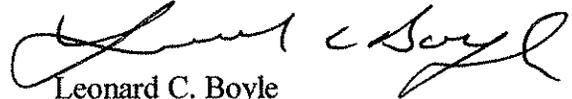
Numerous federal laws and regulations, including Title 28 CFR Parts 16, 20, and 50, Public Law 105-251, Public Law 92-544 and others, control the access to and dissemination of federal criminal history data for non-criminal justice use.

Various state statutes, including 29-11 through 17a, and 54-142a through q and others, control the access to and dissemination of Connecticut criminal history data.

Both the federal and state systems presently have procedures and allowances for an employee or subject of a criminal history background check to review his/her official criminal history information files and to appeal to the appropriate agency to correct any erroneous information upon presentation of sufficient proof and documentation by the subject that an error has occurred.

Connecticut criminal history record information is presently disseminated to the requesting private organization or employers. Depending on the controlling federal law or regulation concerning the non criminal justice use of federal criminal history data, employers may or may not be allowed to receive a subject's federal criminal history record information.

Sincerely,

A handwritten signature in cursive script, appearing to read "Leonard C. Boyle".

Leonard C. Boyle
COMMISSIONER

Department of Public Safety